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New York

President:	Mr. Tafrov	(Bulgaria)
Members:	Angola	Mr. Lucas
	Cameroon	Mr. Tidjani
	Chile	Mr. Muñoz
	China	Mr. Cheng Jingye
	France	Mr. Duclos
	Germany	Mr. Trautwein
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Karev
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

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03-64637 (E)

The meeting was called to order at 10.15 a.m.

Expression of sympathy in connection with the bomb attack in the Russian Federation

The President (*spoke in French*): Before moving to the item on the agenda, I would like to convey the condolences of the Security Council to the delegation of the Russian Federation on the occasion of the events that occurred in Moscow yesterday, involving the loss of lives of innocent people. I ask the Russian delegation to receive the condolences of the Security Council on this occasion.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): I should like to inform the Council that I have received letters from the representatives of Azerbaijan, Canada, Colombia, Egypt, Italy, Japan, Norway, the Republic of Korea, Sierra Leone, Switzerland and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in French*): In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Mr. Egeland to take a seat at the Council table.

The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing from Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

I now give the floor to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Egeland: On behalf of my colleagues in the humanitarian community, I thank you, Sir, for giving me this opportunity to address the Council in an open meeting. This is my first opportunity to brief the Council, and it is most fitting that the topic is the critical issue of how better to protect civilians in armed conflict.

Mr. President, we have a common agenda. The Security Council is the principal mechanism of the United Nations for the promotion of peace and security around the globe. The humanitarian community administers to victims in the absence of peace and security.

It was my predecessor, Sergio Vieira de Mello, who, with his usual foresight, first introduced this topic to the Security Council. Sergio had a keen awareness of the important nexus between peace and security, humanitarian affairs and human rights. Indeed, his career spanned all these aspects of the Organization's work.

The tragic and untimely death of Sergio and those serving with him has underscored a number of unwelcome truths relating to that critical nexus. Most obviously, the landscape in which the United Nations is operating is changing. We have in recent months witnessed what I can only describe as assassinations of humanitarians from across the spectrum: the United Nations, the Red Cross and Red Crescent movement and non-governmental organizations. Those deliberate attacks against humanitarian personnel dramatically reduce access to civilians in armed conflict and the humanitarian space required to render support. And without those two prerequisites, we fail in our responsibility to protect.

We seem to be moving into a time where the protection challenges are more complex. If we fail to

keep abreast of this changing environment, we will end up with even greater challenges to international peace and security. The threats are constantly evolving: new weapons, new ways of conducting war, new ways of inflicting violence, new ways of deterring those who would keep the peace and those who would bring assistance. Seen against that evolving context, the protection of civilians should be viewed not as a static problem, but rather as a shifting series of challenges that we must all address with innovative and direct policies and tools.

Together, we can and must confront those challenges. We have made some headway over the past six months. In my briefing today, I shall outline developments since the last update was presented to the Council by my predecessor, Kenzo Oshima, in June. I shall review a number of current country situations through the lens of the protection of civilians. I shall also present two important documents developed by my Office over the past year — the road map and the aide-memoire on the protection of civilians — and I shall conclude with a 10-point platform for future collective action.

In the current complex environment for humanitarian action that I have described, what should be done?

First, we should address access and protection. It is not acceptable that we are denied access to affected populations in the majority of crises where we are deployed. There are more than 20 countries where access to civilian populations in need is in some way restricted. Together, we must work with Governments — and, where necessary, with armed groups — to systematically address restrictions on access. Vulnerable communities have the right to receive humanitarian assistance, and we have the right and the obligation to provide it.

For example, on my recent mission to Uganda, I saw a stark picture of what the absence of humanitarian access means. Outside the main northern and eastern towns, access has been dramatically reduced by the increased activity of the Lord's Resistance Army (LRA). Some 1.3 million people have been displaced by the war. Many of those people are living in "resettlement camps" in inaccessible areas, with severely limited access to their lands, to their livelihoods and to humanitarian assistance. In those circumstances, food aid provided through the World Food Programme is saving more than 80 per cent of the population from starvation, but even that food aid is vulnerable to looting during LRA attacks. Humanitarian access is entirely dependent on too-limited and too-unreliable military escorts.

Issues of humanitarian access in the occupied Palestinian territory also continue to be of serious concern. Recent developments — including the construction of the Israeli security barrier — will serve only to further limit the access that affected communities have to humanitarian assistance, to essential services and to their livelihoods. Our efforts to secure access where it is denied require unflagging commitment provided on a systematic basis by all of us.

By contrast, today we are seeing in the Democratic Republic of the Congo what the return of a measure of security can mean for the restoration of humanitarian access. The turning point came with a strengthened peacekeeping force and the political commitment of the Government and the regional actors — supported by the international community — to a peace process that has begun to take hold. As a result, humanitarian access has begun to improve after years of deterioration. In the eastern Democratic Republic of the Congo, increased access has inevitably revealed greater need. If we are to consolidate peace and security, the humanitarian community must be able to meet those expectations.

Despite the inherent risks in these fragile situations, the international community must recognize its responsibility to ensure adequate and timely resources or risk losing the momentum towards peace. The history of the region has demonstrated too-cautious donor behaviour. The international community must now demonstrate the same level of commitment that it has to higher-profile crises in the Middle East and elsewhere.

The second major challenge is the security of humanitarian workers. There can be no access when humanitarian workers are denied security. Our emblems have always provided us with a certain protection based on an understanding and acceptance of our humanitarian mission. That has now been tragically challenged in Iraq and Afghanistan. The past six months have also seen our humanitarian colleagues threatened and targeted in Somalia, the Democratic Republic of the Congo, Burundi, the occupied

Palestinian territory, Chechnya and various other areas. I wish to emphasize that national staff in several countries have, at great personal risk, continued to deliver humanitarian assistance in the absence of an international presence. Our international responsibility is to provide solidarity through our presence and to establish effective measures for our common security as humanitarian organizations. I therefore encourage the Security Council to continue to stress to all parties to armed conflicts their obligation to ensure the safety and security of humanitarian personnel and to ensure that those responsible for attacks are brought to justice without delay.

The third challenge I should like to highlight is the special protection needs of children affected by conflict. Children are in no way spared from the violence and suffering of war. Tragically, in today's conflicts we find children increasingly targeted and subjected to some of the most unconscionable atrocities the world has ever witnessed. Last month, when I visited northern Uganda, I was confronted by a war against children, fought primarily by children. More than 10,000 children have been abducted by the LRA over the past 12 months alone and have been forced, through brutal means, to become child soldiers, labourers and sex slaves. Fear of abduction by armed groups has created tens of thousands of "night commuters" throughout the north and east of Uganda — children who walk up to three hours to the major towns every evening before dark, simply to avoid abduction.

We are all aware that the recruitment and use of child soldiers is a problem mirrored in many other conflicts around the world today, notably in West Africa. It is incumbent upon all of us to do more to respond to the tragedy of children being recruited and used as child soldiers, suffering extremely violent sexual attacks or bearing the burden of responsibility for their younger brothers and sisters because they have lost their parents to the ravages of HIV/AIDS or the violence of war. That is but one example of the suffering of children in conflict zones. The rape of both boys and girls in Liberia and the Democratic Republic of the Congo is a further justification for making the protection of children a particular priority in our daily efforts.

The fourth of our challenges is demobilization, disarmament, reintegration and resettlement. One of the features of the conflict in the Mano River Basin and Côte d'Ivoire has been the pervasive involvement of youth. The extensive engagement of largely young unemployed men in the militias fighting in Sierra Leone, Liberia and Côte d'Ivoire threatens to undermine the security of the region as a whole if that culture of youth violence is allowed to become entrenched. The spread of a violent youth culture can be stemmed only by comprehensive regional protection solutions — in particular, control of arms flows and sustained, well-designed and resourced DDRR programmes that address the particular needs of young people brutalized by war, with no means of survival but the gun.

DDRR must be addressed on a regional basis, and neighbouring States should recognize their responsibilities to assist. I welcome the current initiatives that are taking place in Côte d'Ivoire to establish a process of demobilization, and hope that these initiatives will complement the DDRR measures in Liberia. A stronger peacekeeping presence in Côte d'Ivoire is now needed to provide a more secure basis for taking this critical process forward.

Fifthly, with regard to the challenge of sexual violence in armed conflict, the fact that women and children continue to constitute the majority of civilian victims demands our urgent and vigorous attention. Rape and other forms of sexual violence continue to be used as brutally devastating weapons of war — in the Democratic Republic of the Congo, Burundi, northern Uganda and West Africa and in far too many other conflicts around the world. The attention of the Council to these issues is critical, and I ask it to maintain a strong focus on sexual violence in its future missions to areas of conflict. I wish to draw particular attention to the eastern part of the Democratic Republic of the Congo, where extreme crimes of sexual violence — described by some as sexual torture — have taken place on a chilling scale. The transitional process, the increased presence of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the strengthened security situation in areas of the eastern part of the Democratic Republic of the Congo have improved humanitarian conditions where MONUC is deployed, but more physical protection is needed. Given the cultural sensitivities, the most effective response is to work with and support local initiatives to assist the victims. We also need to address the special needs created by the increase in female-headed households.

However, we will be unable to stop the scourge of sexual violence in these countries without a functioning justice system. This brings me to my sixth challenge: justice and reconciliation. In too many conflicts around the world, sexual violence, torture, murder and other serious crimes under international law continue to be committed with total impunity. The need to end this culture of impunity is fundamental. I would, therefore, like to ask the Security Council to continue to denounce strongly such terrible acts and take concrete measures to address the issue of impunity. The swift re-establishment of the rule of law, justice and reconciliation is vital during the transition from conflict to peace, and the actions of the leaders of the parties are crucial. In the Democratic Republic of the Congo and elsewhere, it is critical that political and military leaders stand shoulder-to-shoulder with the victims and make clear that human rights violations will not be tolerated. Prompt, independent and effective investigations must be carried out. Perpetrators must be brought to justice. Potential perpetrators must be deterred.

To this end, I welcome the statement of the Prosecutor of the International Criminal Court that his Office is following the situation in Ituri, including the allegations of widespread sexual violence and other serious violations of international criminal law. I encourage the Prosecutor to pursue his efforts in this regard. I welcome the Transitional Government's announcement of its intent to cooperate with the Prosecutor, and would like to encourage the Government to pursue all other relevant means in order to bring those responsible to justice.

The seventh challenge is the special protection and assistance needs of the displaced. Given the millions of internally displaced men, women and children throughout the world, the special needs of these particularly forgotten people remain a natural focus of our work. In Liberia, the entire population has suffered displacement at one time or another. Yet, more than 500,000 remain displaced. The security and return of such people is a key component for the successful restoration of peace and stability. In Angola, there has been a rapid return of a large portion of the displaced population. Despite the encouraging signs of large-scale return, however, re-establishing their economic future will be critically affected by unexploded ordnance problems.

Likewise, the humanitarian situation in Colombia continues to be of great concern. There is a large number of internally displaced persons, with more being forced to leave their homes and land every day. The conflict is also creating increasing numbers of refugees.

We welcome the encouraging progress that has been made by the Government of Sudan and the Sudan People's Liberation Movement in preparing a national policy for internally displaced persons. The recent displacement of more than 600,000 people in the Darfur region, however, remains a serious concern.

The eighth and final challenge relates to charges of sexual exploitation of civilians in conflict by our own United Nations personnel. Since the most recent briefing on the protection of civilians, there has been progress on a protection issue on which the United Nations itself has been called to account, namely sexual exploitation and abuse. The Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse was promulgated last month. At the Secretary-General's behest, all parts of the United Nations system with a field presence are working very closely, together with our non-governmental organization partners and the Red Cross and Red Crescent Movement, to establish a coherent system for the implementation of the Bulletin at the field level. The Department of Peacekeeping Operations and the Department of Political Affairs are an integral part of this joint effort, and the Bulletin applies equally to United Nations staff serving in peace operations.

We all agree that acts of sexual exploitation and abuse perpetrated by United Nations-affiliated personnel do irreparable damage, both to the image of the United Nations and — more importantly — to our ability to serve and protect war-torn communities. We also agree that any such act by anyone affiliated with the United Nations — whether soldier, political officer, aid worker or police officer — affects all of us. While over the coming year we establish better systems of redress and managerial oversight, we must not lose sight of the need for vigilance and follow-through, in which, I hope, troop-contributing countries will also wish to play a part.

I would like now to turn to the practical work undertaken by my Office over the past six months to consolidate United Nations efforts to meet the

protection needs of civilians in armed conflict. In the past, the Council has asked us for greater integration of these issues among the various parts of the Organization. I am pleased to report that the creation of a cross-cutting protection and human rights unit within the United Nations Mission in Liberia, integrating the range of expertise required to adequately protect civilians, represents a significant development for future cooperation in this respect.

Our work has been based on three key areas. The first of these is the continuation of our regional workshop programme as a means of disseminating information to Governments and other concerned parties on the key principles, responsibilities and priorities for the protection of civilians. The second is the updating of the aide-memoire and its further application in the field; and the third is the development of the so-called road map on the protection of civilians, which establishes a shared commitment to action on the protection of civilians.

Turning first to the regional workshops, over the past 14 months, six regional workshops have brought together representatives of Governments, United Nations country teams and civil society organizations in West and Southern Africa, Europe and the Balkans, East Asia-Pacific, the South Pacific and, since the Office for the Coordination of Humanitarian Affairs last briefing to the Council, South Asia, to identify and address the major regional concerns on the protection of civilians.

In some regions these workshops have formed part of a sustainable process. Concerns for the protection of civilians are becoming adopted institutionally by regional organizations such as the Southern African Development Community and the Economic Community of West African States in Africa, the European Union and the Pacific Islands Forum.

In early 2004, we intend to convene a regional workshop in Latin America, and country-level workshops in Indonesia and the Solomon Islands, in cooperation with their respective Governments. I wish to take this opportunity to sincerely thank Member States for their support for these vital workshop initiatives.

I am presenting to members of the Council today, two documents for your consideration. The first is the updated version of the aide-memoire on the protection of civilians in armed conflict. You will recall that the Security Council adopted the original aide-memoire in March 2002 as a means to facilitate its consideration of protection of civilians issues in its deliberations on mandates for peacekeeping operations. At that time, the Council undertook to regularly review and update the aide-memoire to reflect the latest protection of civilians concerns, trends and measures to address those concerns. Last December, the Council expressed its willingness to update the aide-memoire annually.

The first such update, which is before you today, reflects important new language that the Council has used since March 2002 and provides a clearer structure of the key protection issues. It is the product of wide consultation throughout the United Nations system, particularly through the Executive Committee on Humanitarian Assistance Implementation Group on the protection of civilians in armed conflict.

I hope that you will endorse the updated aide-memoire today as a tool that reflects evolving protection priorities, and will assist the Council in its efforts to ensure that the protection needs and rights of civilians are reflected in relevant Security Council resolutions and mandates. I cannot stress strongly enough that the language included in Security Council resolutions does make a difference to our work on the ground.

An important evolution that I would like to highlight is the aide-memoire's use in the field as a tool that provides a systematic basis for analysis and reporting during humanitarian crises. We have used it effectively as a protection matrix in Iraq and Burundi. We intend to take this approach forward in northern Uganda as a matter of priority, and to extend its practical application in other humanitarian crises.

I commend the updated aide-memoire to Council members, and look forward to its endorsement in a Presidential Statement at the end of this week.

The second tool for your consideration is the road map, which Council members called for as a tool to clarify responsibilities, enhance cooperation, facilitate implementation and further strengthen coordination within the United Nations system. The version before you today focuses primarily on the role of the United Nations system and reflects the outcome of extensive consultations within the United Nations system over the past 10 months. To truly reflect the needs of civilians in a constantly changing humanitarian

environment, this instrument must be seen as a living document. Like the aide-memoire, it will need to be updated and developed in line with the new and evolving protection challenges that confront us.

We, as a United Nations system now have the tools, the early warning capacity, the technical expertise and the logistical capacity to provide more timely and targeted humanitarian assistance and protection than ever before. What we sorely lack is the ability to have our humanitarian principles become a reality for political, military and economic leaders around the world. That is where we, the humanitarian and human rights workers, need your help. That is where the Council can make a real contribution towards achieving real forward movement on the protection of civilians in armed conflict.

Let me conclude by presenting 10 action points that build on the areas in the road map that enjoy consensus support of the Security Council. First, improve humanitarian access to civilians in need, better utilize negotiations on the ground and explore all possible avenues for political leverage by Member States. Secondly, improve the safety and security of humanitarian personnel, irrespective of circumstances and environments. Thirdly, ensure that the special protection and assistance requirements of children in armed conflict are fully addressed, to better reflect the more complex protection requirements of children and the problem of youth violence. Fourthly, ensure that the special protection and assistance requirements of women in armed conflict are fully addressed in light of the high levels of sexual violence and abuse. Fifthly, combat impunity for grave breaches of international humanitarian law, genocide, crimes against humanity and war crimes, thereby promoting compliance with international humanitarian, human rights and refugee law.

Sixth, assist in ensuring the provision of the necessary resources to address the needs of vulnerable populations in so-called forgotten emergencies. Seventh, examine how to better implement measures to respond to the security needs of refugees and internally displaced persons. Eighth, address short-comings in our approach to disarmament, demobilization reintegration and rehabilitation, particularly with regard to child combatants and the need to address regional concerns. Ninth, address the impact of small arms and light weapons on the protection of civilians, specifically with regard to confidence-building measures and the need to address regional flows; and tenth, develop further measures to promote the responsibility of armed groups and non-State actors to protect civilians, to provide access, ensure the safety, security and freedom of movement of humanitarian workers and, more generally, to respect international humanitarian, human rights and refugee law.

In furthering those action points, we propose a process of consultation, led by the Security Council, to facilitate a structured dialogue which would identify protection gaps. My Office stands ready to provide all necessary support in that respect.

We must not let ourselves believe that the agenda for future action on the protection of civilians consists only of complex and difficult issues which require lengthy negotiation. Let me remind the Council that there have been achievements in the missions by the Security Council to areas of conflict and in Council resolutions and peacekeeping mandates which have more effectively considered the protection needs of civilians. I am grateful to you for this opportunity to outline the new challenges and some of the practical steps that we can take if we are to create a culture of protection that reflects the real needs of innocent civilians trapped by conflict.

The President (*spoke in French*): I now give the floor to Council members.

Ms. Menéndez (Spain) (*spoke in Spanish*): I would first like to thank Mr. Egeland for his very interesting and comprehensive briefing. My delegation would also like to express its thanks to the Office for the Coordination of Humanitarian Affairs for their work in developing a culture of protection, which we feel is at the heart of the issue, in particular because we are speaking about innocent victims — civilians. We would like to join Mr. Egeland in expressing our sadness and our condolences for the numerous recent victims among United Nations personnel and humanitarian workers.

Spain has often expressed its commitment to protect civilians in armed conflict, both through relevant legal reforms in Spanish law, as well as through our work and efforts to ensure such protection within the framework of international law. The Spanish Constitution explicitly states that the Universal Declaration of Human Rights and international treaties and agreements ratified by Spain will be the reference point for interpreting norms relative to fundamental

rights and freedoms. Under the umbrella of the Geneva and Hague Conventions, our internal legislation codifies crimes committed against persons and protected goods in cases of armed conflict in our penal code. Those provisions are in addition to specific regulations for military personnel, which are codified in the military penal code.

In addition to legislation, however, measures need to be taken that will ensure the development of the so-called culture of protection in cases of armed conflict, in particular for needy civilian populations. In that context, my delegation firmly supports the updated aide-memoire on the protection of civilians and calls for its endorsement by the Security Council. The incorporation of the experience of different departments within the United Nations system, as well as the interactive dialogue that facilitated the drafting of the aide-memoire, ensure that the measures included in the aide-memoire will be effective. In that connection, Spain wishes to express its thanks to Mr. Egeland and welcomes the 10-point platform that he presented, based on the areas of the road map.

Undoubtedly all efforts to safeguard the protection of civilians are important, but I wish to refer to some areas which Spain views as a priority in that regard. First is the question of improving humanitarian access to civilians in need. As we have always done in discussing situations related to armed conflicts in the Security Council, we have urged — and today we will do so once again — all parties involved in conflicts to ensure unhampered access of humanitarian organizations to civilians. Similarly, my delegation places particular importance on an idea that we have supported on a number of occasions — that United Nations peacekeeping operation mandates should include the facilitation by United Nations forces of access by humanitarian organizations to needy civilian populations.

Another priority matter is the question of children. As distinct from the consideration of the civilian population as a whole, assistance and protection provided to children deserves special attention. Spain supports the work of the Council in that regard, and appeals for cooperation to ensure the protection of girls and boys in compliance with its resolutions 1261 (1999), 1314 (2000), 1379 (2001) and 1460 (2003) on children in armed conflict. Furthermore, my delegation believes that we need to support and encourage all efforts to ensure the demobilization and disarmament of girls and boys, reinforcing regional disarmament, demobilization, reintegration and repatriation programmes.

Another priority area is that of violence against women in armed conflict. Unfortunately, women and girls continue to be subject to abuse and violence. In addition to measures taken to avoid those heinous acts, Spain has firmly supported gender training programmes for humanitarian and peacekeeping personnel. The situation also calls for an increase in gender advisers in peacekeeping operations, as well as clear change in attitudes and behaviours that would underscore the active role that women can play in conflict resolution.

I cannot fail to mention the issue of impunity. All existing legal resources, including the International Criminal Court, need to be used to put an end to impunity.

Finally, I would, as a matter of course, like to affirm my delegation's association and agreement with the statement that Italy will subsequently make on behalf of the European Union.

Mr. Karev (Russian Federation) (*spoke in Russian*): First, I would like to thank you, Mr. President, for your words of condolence following the terrorist act that took place in Moscow today, and which caused human casualties.

We welcome this meeting of the Security Council at which we hope further measures will be considered to ensure observance of the norms of international humanitarian law during armed conflicts and that appropriate conclusions and proposals will duly be reflected in the presidential statement and in the updated aide-memoire. We thank Mr. Egeland for his interesting and detailed report on the question. We note with regret that, despite a whole arsenal of international instruments on human rights and international humanitarian law intended to protect civilians caught up in armed conflicts, during hostilities it is primarily completely innocent children, women, elderly people and other vulnerable categories of the population that suffer, as well as the humanitarian personnel providing assistance to them.

The humanitarian component is now highly crucial, particularly as an element of a comprehensive strategy for crisis prevention and during the stage of post-conflict settlement. However, the efficacy of

humanitarian work depends to a large extent on how it is incorporated into the efforts of the international community to find a political settlement to conflicts. We are pleased at progress made to enhance the effectiveness of measures in that area in the light of changing trends and approaches to the protection of civilians in armed conflict. The evolution of international humanitarian law shows that it is continuing to adapt to contemporary conditions. Among the latest examples was the creation of the International Criminal Court, the activities of which should complement legislative work done at the national level. The problem of protecting civilians must be considered within the context of new threats and challenges, primarily terrorism, such as the terrorist act that took place, unfortunately, in Moscow today. This question is under the constant scrutiny of the Security Council and its Counter-Terrorism Committee.

Other bodies of the United Nations are involved as well. In the Third Committee at the fifty-eighth session of the General Assembly, the Russian initiative on the elaboration of a code for protecting human rights from terrorism was further developed. Virtually all of the main elements of the code were included in the resolution entitled "Human rights and terrorism".

An important role in protecting civilians has been assigned to the mechanisms for early warning and conflict prevention. States Members of the Organization should be quicker to inform the Council about situations that could pose a threat to the maintenance of international peace and security, including cases of deliberate refusal to grant safe, unimpeded access by humanitarian personnel to civilians or of blocking humanitarian assistance intended for civilians, as well as about gross violations of the rights of civilians, and here the Security Council should play a lead role.

In order to enhance the effectiveness of work in this area, the Council should take full account of the particular nature of specific conflict situations and, on that basis, take measures to protect civilians. The United Nations already has some experience in this area: in Angola, Afghanistan, Indonesia and the Balkans — and we hope that today's exchange of views on how to enhance the Council's work and that of other United Nations bodies in protecting civilians will give additional impetus to progress in this area.

Sir Emyr Jones Parry (United Kingdom): I would like to associate the United Kingdom with the statement on behalf of the European Union to be delivered later by the Ambassador of Italy.

May I congratulate Jan Egeland on his appointment and thank him for an excellent briefing. His words were a sobering account, which underline the imperative for the international community to work collectively and decisively in moving from rhetoric to effective action in promoting the culture of protection.

There have been some recent positive developments: the updated aide-memoire, a road map, Security Council missions that allow the Council to emphasize the need to protect civilians actually in the field, a continued focus by the Council on protection issues — and there the United Kingdom believes that the Security Council has an essential role in complementing the work done by other organs of the United Nations — and lastly, the adoption by the Council of resolution of 1502 (2003) on the protection of humanitarian personnel in armed conflict.

But the recent and horrific attacks on the United Nations and the International Committee of the Red Cross headquarters in Baghdad demonstrate an increasingly fragile environment to which humanitarian personnel are more and more exposed. We all deplore such attacks and acts of violence. We pay tribute to those humanitarian workers who have lost their lives while providing assistance to those in need, and we remember those who today remain in captivity against their will. And in that regard, we urge all captors to release humanitarian personnel as a matter of urgency.

The United Kingdom remains deeply concerned about the lack or denial of access in many humanitarian situations throughout the world. People without food, water, shelter or medical supplies cannot wait for a conflict to end in order to receive life-saving assistance. We therefore take this opportunity to urge all parties to armed conflict to comply with their obligations to allow safe and unimpeded access by humanitarian personnel to civilians in need of assistance and to do that in accordance with international humanitarian law. The other side of that coin is that, collectively, the international community must better address humanitarian crises where that access is being denied.

We must all be deeply concerned about the protection of women and children in situations of

armed conflict. Women, for example, are often subjected to sexual violence, trafficking and mutilation. These traumatic experiences are often compounded further, even well after the end of conflict, in circumstances where female victims of violence face social exclusion and stigmatization.

The protection of children in armed conflict also remains a key concern, especially when they are recruited by force as soldiers, as we have heard in the briefing. Situations where children are educated to regard a gun as a protection tool, as a means of obtaining food and security, are deeply disturbing. Children are also tragically exposed to malnutrition, disease and violence, as well as sexual, physical and psychological abuse. So we urge all Member States to sign and ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Justice and reconciliation efforts also form an integral part of the protection agenda and play a key role in addressing violations of international humanitarian law and in ending impunity. Central to these efforts, of course, are national judicial systems. That is why the Council's discussion in September of transition justice and the rule of law was so relevant and follow-up so important. In fact as we speak, the United Kingdom, together with the Governments of Finland and Jordan, is hosting in New York a seminar on developing holistic and integrated responses to widespread human rights abuse.

Like Mr. Egeland, I would like to focus on next steps. Our starting point should be his excellent proposal for a ten-point platform for future action, and we look forward to working with Council members, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations agencies, the other organs of the United Nations, and others in taking this forward.

The United Kingdom would identify three interconnected themes that collectively the United Nations system should address as it carries those action points forward. First, establishing robust frameworks of application, including indicators for progress and defining action to be taken in the event that these are not met — that is what we mean by compliance.

Secondly, building solid field-based information allied to rigorous analysis for robust frameworks of application — that is what we mean by effective monitoring and evaluation.

And thirdly, delivering outcomes from these first two elements through an effective United Nations system-wide institutional response — the right people in the right place with the right skills at the right time — that is what we mean by mainstreaming, because institutional mainstreaming should cover who does what, where and when. I am being very clear about co-responsibilities. Changing the way we do things can sometimes pose tough questions, but we cannot afford to duck them. And that is why we strongly support and welcome the Secretary-General's forthcoming assessment of the entire United Nations system's response to the problem of children and armed conflict, and we hope that the Secretary-General will be able to update the Council next month when we consider children affected by armed conflict, but in particular, we hope he will provide detailed proposals of how we go forward.

We should be open ourselves to more reviews of this type. But it is not just the United Nations system that actually needs to respond. This actually requires the wholehearted support of Member States and the international community as a whole, and in that regard, the United Kingdom would single out parallel contributions that individual Member States should make.

First, we must make every effort to implement the resolutions contained in the aide-memoire, and the Secretary-General's 54 recommendations on protection set out in the road map. In this regard, we would request the Secretary-General to provide us with an update on the implementation of these commitments when he next reports to the Council on this issue in June 2004.

Secondly, we need to receive reports on how the aide-memoire is performing as an operational tool in the field, for example, what is working well and what needs to be improved. This will help encourage an integrated approach to promote connectivity between New York and the field and identify potential gaps, strengths and weaknesses. We should then consider how we need to strengthen the existing framework.

Thirdly, we must work better at mainstreaming protection issues into the Council's country-specific considerations. That was reflected in what has been done on Liberia, but we need to ensure that, in general,

these elements are reflected in the Secretary-General's reports and included in peacekeeping mandates and operations when necessary. In order to achieve that, we need to improve inter-office work within our own delegations and among our ministries back in our capitals. But we also need to ensure that protection measures transcend the work of this Council alone. They need to feature in our own national policies and make a real difference at the country level.

Fourthly, we should encourage all Member States to sign and ratify the legal instruments that exist in the broad protection agenda. The United Nations has an important advocacy role in that regard.

Finally, we should not forget the merit of having guiding principles of corporate social responsibility, in order to ensure that the private sector and its practices contribute towards the prevention and resolution of violent conflict.

In conclusion, I would like to stress the importance of coordination across the protection agenda. This remains a key challenge for the Office for the Coordination of Humanitarian Affairs and one for which it will require sustained support. Its work to protect the vulnerable lies at the very heart of the United Nations Charter and promotes a culture of protection, an ideal that we all endorsed in the Millennium Declaration of September 2000.

Mr. Muñoz (Chile) (*spoke in Spanish*): Mr. President, since this is the first time I am making a statement here in an open meeting of the Security Council in the month of December, I wish to extend my congratulations for your assumption of the presidency and I wish you every success in this task. I would like to thank Under-Secretary-General Jan Egeland as well for briefing us on the updated aide-memoire and the road map regarding the protection of civilians in armed conflicts prepared by the Office for the Coordination of Humanitarian Affairs (OCHA) of the United Nations.

The various and serious violations that take place in armed conflicts affect the security of millions of civilians in different regions of the world. In particular, they affect the most vulnerable, such as women, children and the elderly. I cannot fail to mention here the terrible deaths of nine children in a bombing in Afghanistan in recent days. This is deplorable act, which must be duly investigated.

Apart from combatants, civilians are the main victims in armed conflicts, not only due to accidents, but even worse, as a result of a policy of war. This means that at the heart of the Security Council's work should be the implementation of its mandate to ensure international peace and security by dealing with this problem. Similarly, protecting non-combatant civilians, whether humanitarian or international personnel, is unfortunately a growing concern in the international arena. The periodic updating and review of this matter and the presentation of the updated aide-memoire and road map have enabled us to see the growing importance of this question.

The culture of protection is as it was stated by the Secretary-General when he introduced his report on the protection of civilians in armed conflicts in 2001, in which he asked States to make the culture of protection a reality. The development of a plan of action in this sphere, we feel, is the cornerstone for implementing an international policy of this culture of protection. Applying a programme of dissemination is a concrete step forward towards awareness-raising regarding this issue for the various actors involved, whether civilians or government authorities.

The updated aide-memoire and the road map, which have been presented to us today, must be part of this common basis for establishing the level of responsibility towards civilian populations, both for the Security Council and for the Member States of the United Nations. In this regard, both documents should serve as a guide for the adoption of future draft resolutions related to this matter.

The situation of displaced civilians deserves special attention. Unfortunately, and far too frequently, there is forced conscription of children to be used as soldiers, in particular in some regions of Africa, but also in some regions of the continent where I come from. In far too many cases, the international community has witnessed atrocities carried out against the civilian population, as Mr. Egeland has emphasized, using rape and mutilation as weapons of war.

Close cooperation with the various available international and national actors, including the High Commissioner for Human Rights, is necessary so that an early warning network can be established, which will allow for prevention of conflicts. Preventive measures, along with political will, will help us to

avoid a repetition of the unfortunate events that we witnessed, for example, in Rwanda and Burundi just a few years ago.

The United Nations lost its innocence this year. Until recently, we had been used to the various warring factions throughout the world respecting international humanitarian staff from the various United Nations agencies. It was clear that United Nations staff were not a military target. In the past, even when accidents did happen and United Nations staff lost their lives, the Organization as a whole was never considered a military target by one of the parties to a conflict, as it is now in Iraq. Therefore, we need to take concrete actions. For example, my country feels that sanctions should be reserved for very specific areas, focused directly on those responsible and avoid negatively affecting the civilian population. Similarly, we believe that the social dimension of crises should be taken into consideration because the Security Council has a role to play with regard to the social threats affecting peace and security.

In conclusion, we urge Member States to apply in their legislation those two important documents: the updated aide-memoire and the road map. We would also suggest that the Security Council, as it did with the earlier aide-memoire, endorse the document in a presidential statement. We would thereby most likely take a step towards protecting civilians in armed conflict.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to convey to you, Sir, the gratitude of the delegation of the Syrian Arab Republic for convening this important meeting on the protection of civilians in armed conflict.

My delegation also thanks Mr. Egeland, Under-Secretary-General for Humanitarian Affairs, for his comprehensive and important briefing this morning. I believe that the most noteworthy elements of his briefing are the specific ideas that he offered, which we feel are worthy of Security Council endorsement as official Council documents.

We also associate ourselves with you, Sir, in your strong condemnation of the terrorist act that took place in Moscow today. We extend our sincere condolences to the Government and people of friendly Russia and to the delegation of the Russian Federation to the United Nations.

The Security Council's decision to maintain today's item at the top of its agenda is proof of the great importance it attaches to the issue at hand, especially since civilians are the principal victims of contemporary conflicts. In that regard, I must refer to the important resolution 1502 (2003), introduced by Mexico and adopted by the Council under Syria's presidency last August, on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones.

Sadly, women and children constitute a large percentage of those affected by such conflicts. More than 2.5 million people have died over the past decade, while more than 30 million have been displaced or uprooted from their homelands by armed conflicts. In his most recent report on this subject, the Secretary-General noted that the number of dead and wounded among innocent civilians has risen to a level that can without exaggeration be described as terrifying.

International humanitarian law requires warring parties to distinguish between combatants and civilians. Unfortunately, despite the fact that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was adopted more than 50 years ago and that most States have acceded to it, there remains a wide gap between its provisions and the implementation thereof in armed conflicts. Some States invoke certain situations as a pretext to pursue practices that contravene international humanitarian law. The Syrian delegation affirms in this regard that there is no acceptable pretext for killing or displacing innocent civilians. It is necessary to treat the root causes of armed conflicts and to prevent violent retaliation.

The question of access to vulnerable groups in many conflict zones poses a major challenge and is among the most pressing issues relevant to the protection of civilians. It involves a complex and multifaceted process requiring appropriate security arrangements, such as guarantees for the unimpeded delivery of humanitarian assistance to groups entitled to it, which necessarily entails guarantees for the safety and security of humanitarian and associated personnel. The Council must continue to impress on all parties to armed conflicts — governmental and non-governmental actors alike — the necessity of shielding such personnel from harassment.

Special attention must be given to the suffering of women and children in armed conflict. The Security Council must accord the highest priority to their situation and explicitly take that issue — including their subjection to sexual violence and exploitation — into account when drafting the mandates of peacekeeping operations.

My delegation attaches great importance to depriving the perpetrators of gross violations of international humanitarian law of their impunity. That can be accomplished by adopting and using effective arrangements to investigate such violations at the local and international levels and by arresting and bringing the perpetrators to justice, as well as through cooperation among States to that effect.

The disarmament, reintegration and rehabilitation of ex-combatants are important factors in countering the culture of violence. My delegation affirms the need to address that issue not only at the local level, but also at the regional level. States bordering on conflict zones must recognize their responsibility to provide assistance in that regard.

The Middle East offers the clearest example of the suffering of civilians, in this instance as a result of Israel's ongoing occupation of Arab territories. In the past three years alone, Israeli occupation forces have killed some 3,000 Palestinians, mostly women, children and the elderly. Israel's policy has also extended to the murder of United Nations staff members, including six from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Israel has imposed restrictions on the freedom of movement of UNRWA and other humanitarian personnel, thereby increasing the suffering of the Palestinians, in total disregard of all international norms, conventions and appeals to halt such practices.

Moreover, the occupying Power has widened its oppressive measures against Palestinian civilians through its ongoing construction of the racist, expansionist wall. It has flouted United Nations resolutions calling on it to halt the construction of the wall, which will affect the lives of more than 200,000 Palestinian civilians in 65 villages and towns on both sides, whose access to their land and water will be fully or partially blocked. The wall will also impede their access to humanitarian assistance. These facts have been noted in the Secretary-General's reports, especially that on the expansionist wall. We thank Mr. Egeland for touching on this critical issue in his statement.

We must not forget the suffering of the African continent, which has experienced and continues to experience armed conflicts that have had devastating effects, for the most part on innocent civilians. Examples of such effects can be seen in the suffering of civilians in recent years in the Democratic Republic of the Congo, Rwanda, Burundi and other countries. We are pleased to welcome the progress achieved in those countries, as well as in Liberia and Côte d'Ivoire, following the deployment of United Nations forces, and the success in Sierra Leone.

In that regard, we would like to recall that the United Nations has made great headway in recent years in addressing this issue. However, there is still a long way to go to achieving the desired goal. Doing so requires political will and determination. That means that, if the Organization is to effectively and soundly tackle this problem, the protection of civilians in armed conflict must remain an important item on the agenda of the United Nations in the future.

My delegation would like to express its gratitude for the efforts made by the United Nations Office for the Coordination of Humanitarian Affairs. We welcome the road map that has been prepared in relation to this issue. We believe that, along with the aide memoire to be adopted by the Council in the next few days through a presidential statement, the road map will constitute an important and effective instrument to facilitate the Council's consideration of issues relating to the protection of civilians. My delegation also supports the 10-point plan based on the road map that was referred to by Mr. Egeland in his statement. We hope that the Council will adopt it as soon as possible, as it includes elements that have the unanimous support of the members of the Council.

Mr. Sow (Guinea) (*spoke in French*): As this is the first time that I take the floor since you assumed the presidency of the Security Council, allow me, Mr. President, to convey my heartfelt congratulations to you. I know that our Chargé d'affaires has already done so, but I too would like to express to you my delegation's full cooperation. I wish you every success as you lead us in our work.

My delegation would also like to thank you, Mr. President, for organizing this meeting to undertake

a periodic review of the issue of the protection of civilians in armed conflict. My delegation welcomes the presence of Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who is with us for the first time. We welcome his participation in this meeting and assure him of our support. We also congratulate him on his important briefing.

The holding of this meeting attests to the Council's determination to continue, and to expand, its consideration of the item on the agenda. That item is of concern to both the international community and the United Nations. The road map, the aide-memoire and the regional programmes that have been the product of lengthy work by the Council serve as guidelines and as a checklist for the Council in better understanding the stakes and multiple challenges associated with the protection of civilians in armed conflict and ensuring that they are taken into account at the time peacekeeping operations are established.

Given that the protection of civilians takes place in a complex and changing environment, my delegation believes that those instruments must be constantly reviewed and updated in the light of circumstances and the situation on the ground. In that connection, we appreciate the good work done by the Secretary-General that has led to the submission of the revised aide-memoire. In particular, we welcome the inclusion of new elements relating, among other things, to the issues of women, child soldiers, refugees, persons displaced within their own countries, persons in transit and host communities. Those issues should be considered in the establishment of any peace operation. In that regard, questions arising from the illegal exploitation of natural resources and from sexual exploitation in armed conflict must increasingly be the focus of our attention.

With regard to the link between terrorism and armed conflict, my country has always said that this is an urgent matter of concern that deserves in-depth consideration. In cooperation with the appropriate bodies, the Secretariat could enlighten us further on this subject.

My delegation welcomes the efforts of the United Nations that have led to the establishment of a reference base on protection norms. We now have the responsibility to implement them effectively. The international community — and in particular the United Nations, Member States and parties to conflicts, as well as regional and subregional organizations, non-governmental organizations and civil society — have a leading role to play in that regard. We are pleased to note that, acting with a number of partners and drawing on past experience, the United Nations is putting in place several preventive and corrective measures to improve the situation of civilians in armed conflict. Strong mobilization for access by humanitarian assistance to recipients and for the protection of United Nations personnel, associated personnel and international humanitarian personnel, as well as the need for impartiality by those staff and their respect for national laws, should also be emphasized. States, which are the primary guarantors of protection, as well as armed groups, must, in accordance with international humanitarian law and human rights, shoulder their responsibilities to provide unconditional access to humanitarian assistance. The resolutions of the General Assembly and the Security Council regarding the protection of United Nations and associated personnel, including international humanitarian personnel, should continue to underpin the actions undertaken by the various stakeholders concerned.

My country attaches great priority to this debate, not only because we are members of the Security Council but also because we belong to a subregion that continues to be beset by conflicts and crises whose tragic consequences on civilians require no comment. We are therefore duty-bound to recommit ourselves to contributing to peace efforts in the subregion and throughout the world in order to find the appropriate solution to help protect civilians in armed conflict. That is a subject that covers a wide range of issues, including those of women, peace and security, children in armed conflict, mines and HIV/AIDS. In seeking to attain that goal, my delegation believes we should explore the possibility of carrying out an in-depth, comprehensive study of those subjects in order to identify commonalities and to endeavour, as far as possible, to find common solutions, while bearing in mind the characteristics of each of those areas. Such an approach would assist us in rationalizing our work and better coordinating our efforts.

Moreover, my delegation believes that the field missions of the Security Council have helped to raise institutional awareness. Such missions should be systematically used to raise awareness about the issue

of protection. In addition, the Secretariat should periodically submit reports on that matter. That would help us to evaluate the implementation of the road map and the aide-memoire in order that they can be revised as necessary. My delegation would also like to suggest that the Secretariat organize seminars for interested stakeholders to receive a though briefing about the road map and the aide-memoire. That would make possible a better understanding of those instruments and help to facilitate their implementation.

In that regard, my country welcomes the important plans developed, and the programmes of action undertaken, by the Department for Humanitarian Affairs in regions and countries affected by conflict, including Liberia, Palestine, Sierra Leone and the Democratic Republic of the Congo. The establishment in Liberia — for the first time — of a cross-cutting human rights protection unit is a commendable initiative that deserves to be extended to other areas concerned. That is the best way to promote at the international and regional levels a culture of protecting human rights and international humanitarian law. Those steps should also be supplemented by the implementation of the eight points for humanitarian action highlighted in Mr. Egeland's briefing.

Finally, while we support the proposals and recommendations contained in the reports of the Secretary-General, we reiterate our conviction that the international community, without minimizing the question of the protection of civilians in armed conflict, should concentrate more on preventing conflicts and on peace-building in order better to serve the noble and inspiring cause of international peace and security.

Mr. Cunningham (United States of America): I want to join others in thanking Under-Secretary-General Egeland for his excellent statement, and I would like to thank you, Sir, for hosting and coordinating today's meeting on the very important subject we are discussing. Under-Secretary-General Egeland's presentation is both daunting in the array of challenges it raises and cause for some hope that all of us can do a better job in dealing with them.

My Government has long believed that safeguarding civilians from the devastating effects of armed conflict is at the very heart of the United Nations Charter. Our fondest wish would be that this Council could protect from harm all those who are subject to aggression. And while, of course, it cannot, there is much that we can do to work towards that goal.

The Secretary-General and the Office for the Coordination of Humanitarian Affairs have given us some good suggestions for the way ahead. Mr. Egeland's statement today, the updated aide-memoire and road map are very useful in addressing the challenges and in organizing our efforts to respond to them. The general principles of providing humanitarian access to vulnerable populations where feasible, the separation of civilians and armed elements and the restoration of the rule of law, justice and reconciliation are all fundamental to the protection of civilians. We will pursue their implementation and practice. We also support the participation of children in the design of disarmament, demobilization and reintegration programmes and special efforts to deal with the particular threats to children and women. These are important issues that we will discuss and address in the future, including with regard to the situations in Afghanistan, the Democratic Republic of the Congo, Liberia, the Sudan and others.

We welcome the road map and the implementation of many of the objectives it calls for, and we hope that Member nations will be involved in this process. We also welcome the revised aide-memoire and view it as a vital resource for the Security Council in applying best practices in future resolutions. Consistent and systematic application by the Council of the valuable tools it has at its disposal, such as previous resolutions on protection of humanitarian workers, on women, peace and security and on children in armed in conflict, is a goal we strongly support. We will work to promote its realization.

We commend the Under-Secretary-General and his colleagues in the Office for the Coordination of Humanitarian Affairs (OCHA) for their contribution to developing practical ideas on future steps, and we reiterate our support for the Secretary-General's efforts to protect civilians. We encourage the Secretary-General and other key actors in the United Nations system to continue the dialogue with us on how United Nations organs can better work together to promote protection and to present country-specific recommendations for the Council's consideration.

We look forward to the promised comprehensive plan of action to be presented to the Security Council at

the time of the Secretary-General's next report on protection of civilians and to our further discussions.

Mr. Cheng Jingye (China) (*spoke in Chinese*): First, I thank Under-Secretary-General Mr. Jan Egeland for his detailed briefing and welcome the revised aide-memoire that he has submitted.

A notable characteristic of conflicts in all regions of the world is that innocent civilians, especially women and children and other vulnerable groups, are the most serious victims. In the past decade, several million civilians have died in armed conflicts, and millions more have been driven by war to flee their homes to become refugees or internally displaced persons.

In recent years, the United Nations, including the Security Council, has been carrying out the work of protecting civilians as an important task and has made much progress in this area. We note with satisfaction that the relevant resolutions and presidential statements of the Council have set out the fundamental principles for the protection of civilians. The Office for the Coordination of Humanitarian Affairs (OCHA) has developed a relevant aide-memoire and road map, which have provided the Council with an important document of reference in this area. Various agencies of the United Nations have provided timely humanitarian resistance to conflict regions to alleviate the humanitarian situation in the field, thus playing a much needed role. As well, United Nations peacekeeping missions have paid great attention to the protection of civilians. We highly commend the various agencies of the United Nations, including the Department of Peacekeeping Operations, OCHA and other humanitarian agencies of the United Nations for the great amount of work that they have done.

At present, many serious challenges remain in the field of the protection of civilians. In some conflict regions, the humanitarian situation continues to deteriorate. Civilians continue to be deliberately attacked and wounded. Refugees and internally displaced persons are suffering a tragic plight. Of great concern to us is the great increase in violent terrorist activities against humanitarian relief personnel and agencies, which have greatly hindered those agencies in their work to protect civilians. Therefore, much remains to be done by the international community.

I wish to stress the following. First, the primary responsibility for protecting civilians lies with the Governments of the countries concerned and with the parties to a conflict. The Governments of the countries concerned and the parties to a conflict should strictly comply with international humanitarian laws and effectively implement their obligations to protect civilians and relevant humanitarian relief personnel. All actions violating international humanitarian law should be punished.

Secondly, preventing and ending conflict is the most effective way to protect civilians. As the organ bearing the primary responsibility for maintaining international peace and security, the Security Council should continue to take effective measures to strengthen preventive diplomacy and to actively promote the settlement of current conflicts. That is the best way to help protect civilians from the devastation of war.

Thirdly, protecting civilians is a multidisciplinary task requiring a comprehensive strategy. Various agencies of the United Nations, in implementing their mandate, should strengthen their coordination and cooperation in order most effectively to fulfil the role of the United Nations as a whole.

Mr. Lucas (Angola): We welcome the important debate that the Security Council is holding today. We thank Under-Secretary-General Jan Egeland for his comprehensive briefing on an issue of the utmost importance in contemporary life, characterized by the increasing number of asymmetrical wars, in which civilians are the main targets of the warring factions and are subject to the coarsest violations of their basic human rights. The meetings of the Security Council on this issue translate the deep concern of the international community at such a state of affairs. They provide an opportunity to address the issue and to strengthen our resolve to protect the countless human beings caught in the middle of conflicts, whose lives have too often been disrupted, with irreparable consequences.

In my delegation's view, the first efforts to be undertaken by the international community — particularly the Security Council, with its responsibility for maintaining international peace and security — should address conflict prevention as the best means to prevent war and the human suffering it always entails. We see preventive diplomacy as the most feasible way to resolve disputes before conflicts break out. However, conflict prevention entails the necessary preparedness, political will and operational readiness

on the part of the international community. A number of conflicts in the past could have been prevented — or at least some action could have been taken with a view to their prevention — but quite often the international community's inaction has allowed things to grow to uncontrollable proportions.

In that regard, we share the view expressed in the aide-memoire on the protection of civilians in armed conflict regarding the need to strengthen the capacity of the United Nations to plan and deploy rapidly, as well as the concept of regional approaches to regional and subregional crises in the formulation of peacekeeping mandates.

Regional organizations are particularly well suited to work with the Security Council. They can provide accurate assessments of crisis situations, and they can engage in preventive diplomacy and take political decisions whenever a situation entails a risk of crisis for the region concerned. It is our view that regional organizations can play a fundamental role in maintaining peace and stability and that their capacities should be enhanced to carry out operations according to international norms and standards. Furthermore, regional organizations can play a key role in comprehensive regional programmes for the disarmament, demobilization and reintegration of former combatants, as well as in the fight against the traffic in small arms and light weapons.

The road map and the aide-memoire on the protection of civilians in armed conflict, which we are considering today, are important tools to address such a momentous issue. We note with appreciation the strategies outlined, the broad goals for the protection of civilians in armed conflict and the areas to which the international community must pay special attention in setting out specific objectives to be achieved by the United Nations, States and the rest of the international community. My delegation believes that those elements are important instruments for approaching such important issues at their various levels of complexity.

By calling for a strengthening of the legal framework relating to international humanitarian law, human rights law and refugee law; by calling upon States and non-State actors to comply with their provisions; and by calling upon the United Nations system to take appropriate and comprehensive action regarding the attainment of those objectives, the road map makes a concrete contribution to universal respect for humanitarian law. The establishment of provisions relating to access to vulnerable populations and for engaging the parties to conflicts in dialogue aimed at sustaining safe access for humanitarian operations — besides providing urgent assistance to populations in need — can indeed improve the prospects of peace and reconciliation by de-escalating conflict and lowering its intensity. Angola was such a case when, in 1991, the ability of the United Nations to open humanitarian corridors made a decisive contribution to the establishment of a dialogue in situ between the military commanders, which was instrumental for the attainment of a ceasefire.

The safety and security of humanitarian-associated personnel; how to deal with the effects of conflict on women and children; the provision of security, law and order in post-conflict situations; the disarmament, demobilization, reintegration and rehabilitation of former combatants, especially children; mine action as a means to reinforce confidence and to allow civilians to rebuild their shattered lives; justice and reconciliation, seen in the perspective of criminal and restorative justice and healing the wounds of the past; the training of security and peacekeeping forces in the highest standards of respect for human rights; and the issue of natural resources, armed conflict and measures to break the fatal link between them are critical issues enunciated in the aide-memoire and the road map. They constitute a fundamental checklist that States, the United Nations system and the rest of the international community should apply in dealing with the sensitive issue of the protection of civilians in armed conflict.

In conclusion, my delegation supports the 10-point action plan presented by Mr. Egeland. We also support the endorsement of the revised aide-memoire by the presidential statement on the issue we are considering today. We deem it very important that the Council apply both of those elements in adopting country-specific draft resolutions — taking into account the protection of civilians, including women, children and humanitarian workers — and that United Nations peacekeeping operations be provided with mandates and resources to protect civilians and to ensure unimpeded access to civilians in need by United Nations personnel and humanitarian organizations. We also support the inclusion in all country-related draft resolutions of a call upon States — and, where appropriate, non-State actors — to adhere to

international human rights, humanitarian and refugee law and to reinforce the principle that there will be no impunity for genocide, war crimes or crimes against humanity.

It is our expectation that this meeting will make a further contribution to the creation of a culture of protection for civilians in armed conflict and that it will increase the effectiveness of the United Nations and the responsibilities of the international community in facing such a serious issue.

Mr. Pujalte (Mexico) (*spoke in Spanish*): At the outset, Sir, I wish to express my delegation's pleasure at seeing you preside over this meeting. We thank you for including the item of the protection of civilians in armed conflict on the Council's agenda. Before I begin to read my country's position on that subject, I should like to express, on behalf of the people and Government of Mexico, our condolences and solidarity to the families of the victims and to the people and Government of the Russian Federation because of the attack suffered in Moscow today.

With regard to the item under consideration, my delegation wishes to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for the information he has just provided us and for the updated version of the aide-memoire. Mexico participated actively in the negotiations on the aide-memoire's original version, as well as on its updating, because we are convinced that the Council must have instruments that will help it to include the protection of civilians in armed conflict as a priority issue in its deliberations. Some positive progress has been made in that regard; however, the Council must intensify this exercise in all its deliberations.

It is also necessary that the Council send a clear and firm message that the Geneva Conventions — particularly the Fourth Geneva Convention, which establishes that civilians are not a legitimate target, that deliberate attacks against them cannot be tolerated, that the parties to a conflict must take all possible measures to limit suffering and damage caused to civilians, and that States must bring to justice those responsible for grave violations of international law, particularly international humanitarian law — must be complied with under all circumstances. Moreover, it is necessary that we guarantee safe and unimpeded access of humanitarian personnel to persons needing assistance, particularly those who are most vulnerable. In the debate on this item held in the Council a year ago, we expressed our concern about the aggression against humanitarian organizations, including non-governmental organizations. The increase in deliberate attacks and the direct assault on the inherent neutrality and impartiality of humanitarians are particularly worrying.

Ultimately, attacks against humanitarian personnel are attacks against civilians and therefore constitute war crimes, since they aim to deprive the most vulnerable people of the assistance that is so necessary to their survival, as well as to increase their suffering.

That is why Mexico submitted resolution 1502 (2003) on the protection of humanitarian personnel, which was unanimously adopted in August.

The Council now has a responsibility to ensure that adequate measures are taken to guarantee the safety and protection of humanitarian personnel, thereby ensuring the protection of civilians and alleviating their suffering.

Mexico reiterates its resolute condemnation of all terrorist acts, methods and practices. Such acts, in all their forms and manifestations, are criminal and cannot be justified, whatever the motive and by whomsoever they are committed, whether in times of peace or during armed conflict. We want to be very clear about that.

We believe that States must respond to terrorist acts on the basis of the values that sustain the democratic systems of our Governments and of this Organization: the protection of and respect for the human rights and fundamental freedoms of all people. Among other measures, Mexico again introduced — during the current session of the General Assembly — a draft resolution on protecting human rights and fundamental freedoms while countering terrorism. The draft resolution welcomes the dialogue between the Security Council, its Counter-Terrorism Committee and the bodies entrusted with promoting and protecting human rights, and encourages the Council and the Committee to strengthen cooperation with the bodies of the competent human rights organizations, in particular the Office of the United Nations High Commissioner for Human Rights, so as to guarantee the integration of the promotion and protection of human rights in the

work carried out in accordance with the relevant resolutions.

The protection of civilians in armed conflict requires the adoption of particular measures for the benefit of women, children and the elderly — groups that are particularly affected by conflict. Unfortunately, despite the efforts that have been made to date, exploitation and sexual aggression continue to be widely used as a tool of war. Further measures must therefore be adopted to punish those responsible for such acts. Resolution 1460 (2003) on children and armed conflict — the negotiations on which my delegation participated actively — represented an important step forward. We invite the members of the Council to reflect, during the negotiations to be held in January, on the importance that the international community accords to the adoption of measures to prevent the use of children in armed conflict.

Adequate attention must also be accorded to threats facing women in armed conflict. This body must promote a gender perspective in the peacekeeping operations that it authorizes.

In all of these areas — the use of children in armed conflict, sexual abuse and attacks against humanitarian personnel — the International Criminal Court has a fundamental role to play. The Rome Statute is a reminder for the international community that those who commit such acts will not go unpunished. States must unambiguously reaffirm their commitment to combat impunity and bring to justice those responsible for acts of genocide, war crimes and other crimes against humanity and serious violations of international humanitarian law. We must reaffirm the rule of law and promote, among the parties to conflict, respect for international humanitarian law, human rights and refugee law.

We are convinced that the most effective means of protecting civilians in armed conflict is to regulate the traffic in small arms, light weapons, explosives and munitions, as well as the use of intermediaries, with a view to putting an end to illegal flows of such weapons. It has become clear in a number of cases that the weapons used to attack civilians in armed conflict are re-used in other conflicts.

Punitive measures will not suffice, however, if we wish to put an end to conflict. We must promote an environment in which combatants and those who benefit from the commercial exploitation of conflicts find incentives to demobilize and put an end to their illicit activities. A regional approach must therefore be adopted to any measures proposed for disarmament, demobilization, reintegration and resettlement. When basic economic needs are not met, political progress is insufficient to halt the resurgence of violence.

Mexico is convinced that the protection of civilians in armed conflict will require ongoing training for security forces in the field of international humanitarian, human rights and refugee law, including in times of peace. That is why my delegation, working together with the Office for the Coordination of Humanitarian Affairs, is organizing a regional seminar on basic protection for civilians in Latin America and the Caribbean, to take place in February. Thus, my delegation is supporting the adoption of measures aimed at strengthening the protection of civilians in armed conflict.

Finally, we have taken note of the 10 recommendations to operationalize the road map, and we hope that they will be translated into reality.

Mr. Duclos (France) (*spoke in French*): My delegation associates itself with the statement to be made later by the representative of Italy, on behalf of the European Union.

We would like to thank you, Mr. President, for having organized this very important debate. My delegation would also like to express our deep gratitude to Mr. Egeland for his very compelling briefing at the beginning of the meeting.

The massacre and persecution of civilians in armed conflict is, unfortunately, nothing new in the history of humanity. All of us here are mindful of Callot's etchings of the miseries of war and of Goya's drawings — in which my compatriots are not portrayed in a favourable light — and of the famous painting by Picasso, a copy of which we pass every time we come to the Security Council. All the same, in recent years or recent decades, what was previously a terrible exception is becoming, in today's conflicts, a normal occurrence, almost a structural component of contemporary conflicts. Fortunately, the Security Council is aware of that phenomenon and is trying to understand its consequences as much as possible.

For some years now, we have been witnessing an increase in the number of items on protection on the Council's agenda and that is the real meaning of the

document that we refer to as the aide-memoire and which increasingly represents the common position of the Security Council and the international community in confronting this new situation. When you read the current aide-memoire and compare it with the version we had one year ago, we are pleased to note that major progress has been made in the common ground that we share as Council members in trying to deal with threats against civilians in armed conflict. That effort is particularly outstanding, since it is less the result of a doctrinal vision, than a step-by-step reaction by the Security Council in its various resolutions, as it has dealt with the various crisis situations.

Our thinking in the Council as we deal with attacks against civilians during conflicts has been guided, first and foremost, by international justice and the International Criminal Court (ICC). Like Mr. Egeland, we welcome the cooperation between the Transitional Government in Kinshasa and the ICC Prosecutor, which will demonstrate above and beyond the ideological debates of the past, what a great contribution the ICC can make, not only in the area of justice, but in bringing about reconciliation and in dealing in depth with the wounds of a society that has been traumatized by a particularly horrendous conflict.

The Under-Secretary-General for Humanitarian Affairs quite rightly noted that the problems involved in protecting civilians in armed conflict exist within a constantly evolving context. He described several elements of that context that were particularly striking. I note from that context in flux three new elements, namely, new opportunities, new obligations and new sources of concern. We see new opportunities in the Democratic Republic of the Congo and West Africa, the consolidation of the situations in Liberia and Sierra Leone, the setting up of a transitional process in Liberia and the latest positive developments in Côte d'Ivoire, which give one hope for effective implementation of the Linas-Marcoussis agreements. All of that is creating an opportunity for the international community to assume an exemplary approach based on close regional coordination to deal with the extraordinary scourges that have beset the civilian populations. I could also refer to other opportunities, but I will dwell on two opportunities that, in particular, require a response from the Council.

The Council has new opportunities as well as new obligations, and here, how can we not think of Iraq? Even if Iraq is not a case of a humanitarian crisis, undoubtedly it creates an obligation to provide humanitarian assistance on the part of the international community. That also creates special obligations for the Coalition Authority, which has a special duty to fulfil their obligations under international humanitarian law, in particular the Geneva Conventions, including caring for the civilian population in Iraq and avoiding collateral damage to those civilians.

New opportunities and obligations and also new sources of concern are created, and from that long list I will highlight three subjects. First, as many other colleagues have noted, the cases of violence against women concern us and as we study various cases we realize how great that scourge is and how devastating its effects can be. Mr. Egeland referred in particular to some regions in the Democratic Republic of the Congo. Secondly, the use of children in armed conflict is a source of concern. Here again, the Under-Secretary-General referred to examples that were particularly shocking. In the case of Uganda, he mentioned a war against children waged to a large extent by other children. In the cases of women and children, we don't know whether the situation has become worse, which we fear, or whether there is just more information on the subject. In both cases, our better awareness of those problems forces us to step up our efforts to increase our investment in attempting to find solutions to those issues.

The third source of concern I would like to refer to — and here it is not a question of having better information — is the result, unfortunately, of irrefutable facts, namely the worsening attacks against humanitarian personnel.

Like others I would like to pay tribute to those who have given their lives for the civilian population and for the ideal of a better world while working for the United Nations. The worsening situation requires that the Council discuss that issue and take action. Indeed, we must note with bitterness that the terrorists of today have even more scorn for international law than yesterday's warlords.

How in such a changing context can we make progress in the months to come? How can we take further action? Mr. Egeland has given us a ten-point platform that we completely support. We are fully prepared to work on that basis, perhaps — if other Council members agree — with the idea of adopting another resolution that would be a further

demonstration of our resolve to act in this area. For that joint undertaking to be developed fully, there are probably two conditions that should be met. The first is to give full priority to information gathering on this very painful subject. Put simply, I believe that Mr. Egeland's briefing is, in itself, a factor in the struggle to protect civilians against attacks, because it has provided us with a very concrete and incisive portrait of the scourges besetting our world. In the future it is very important that we continue to twitch the guilty conscience of the responsible parties and international actors. It is also our duty to provide some sort of prioritization scheme in that regard, lest we follow only the conflicts that receive the greatest media attention and forget that there are other bloody conflicts far from the television cameras. That is the first condition that needs to be met.

The second condition is to give high priority to the question of access to civilians. On that point as well I would agree with what Mr. Egeland said earlier. It seems to us that the problem of gaining access to the population is the key to dealing with a large number of problems that we place under the heading of protection of civilians in armed conflict. With regard to access, we need, of course, to give priority to secure access, but we also need to deal with problems such as the political instrumentalization of access to populations. It is likewise imperative to create and enforce respect for obligations, and this includes armed groups and other illegal groups that participate in conflicts.

We could have a lengthy discussion on this subject, as it goes right to the heart of the action we need to take in the coming months and years in the service of international peace and security. I will stop here for the time being and merely reiterate that my delegation is very willing to continue along the route marked out by Mr. Egeland in the search for further progress in this area.

Mr. Tidjani (Cameroon) (*spoke in French*): On behalf of my delegation, I would like to congratulate you, once again, Mr. President, on your accession to the presidency of the Security Council for the month of December and for the initiative you have taken to organize this meeting on the important question of the protection of civilians in armed conflict.

I also wish to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his very detailed briefing that provided a wealth of updated information. Indeed, his briefing refers to some recent situations and highlights progress achieved since our open Security Council debate on 20 June. He also highlighted the challenges we must now face in our resolute commitment to protect civilians in armed conflict. I wish to express my delegation's great appreciation to the Under-Secretary-General for the quality of the work done since he recently took over his new functions and to assure him of Cameroon's full support as well.

My country welcomes the concept of a regular Security Council discussion on the protection of civilians in armed conflict. Such a dialogue, in which the entire United Nations family can participate, is, in my delegation's view, the best way to promote and develop a culture of protection of civilians, as recommended by the Secretary-General in his 2001 report (S/2001/331).

On 10 December 2002, in this Council Chamber, we heard a poignant account by Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross (ICRC), of the unspeakable suffering inflicted during armed conflicts on civilians. It is civilians who are often the main targets in such conflicts of acts such as genocide, ethnic cleansing, forced displacement, starvation, sexual violence against women, child recruitment, and the separation of families, among others. To that sombre picture, I think it is worth adding, as Mr. Egeland did, other challenges such as the commercial exploitation of conflicts, difficulties faced by humanitarian organizations in obtaining access to conflict zones and deliberate attacks on humanitarian personnel.

The protection of civilians is the cornerstone of international humanitarian law and that law is in a perpetual state of evolution. That state of evolution is dictated by our need to constantly adapt ourselves to new and complex forms of conflict; we must adapt to our new environment. In that regard, Mr. Jan Egeland's briefing was comforting, because, despite the tragedy facing the Iraqi people, the Congolese, the Colombians and many others from all over the world where conflict has broken out, it opens a new window and offers a new outlook for mankind. Indeed, he clearly outlined an overall strategy that looks at conflicts as a whole. He also spoke of the scope of international involvement to elaborate a framework for improving

the security situation of civilians and humanitarian personnel in armed conflict.

My delegation welcomes the progressive establishment of those international norms and principles, which will complement or further reinforce the various Geneva Conventions and the Additional Protocols on the protection of civilians in armed conflict. That protection calls for coordinated and consistent efforts on all fronts. It calls, therefore, for close cooperation and continual consultation among the permanent bodies of the United Nations system, concerned humanitarian organizations, parties to the conflict, civil society and regional organizations.

Drafting and adopting norms and principles for the protection of civilians in armed conflict is certainly a noble task, but to apply them effectively and irreversibly, that is the major concern that we must address. And that was perhaps what the Director-General of ICRC meant in his statement before the Council, when he said that the greatest challenge facing us now is not the development of new norms, but rather ensuring respect for existing ones. Moreover, that concern is reflected in the updated aide-memoire, which is an important reference document for the protection of civilians in armed conflict.

My delegation also welcomes the updated road map, which includes elements that will enable us to determine obligations and reinforce implementation, but it goes without saying that this road map, like the aide-memoire, must constantly be updated if it is to be truly effective.

In that framework, my delegation feels that the prevention of conflicts, the promotion of a culture of respecting human rights and humanitarian law, and the elimination of impunity deserve the greatest attention by the international community. On this point, Cameroon supports an approach based on advocacy to Member States implemented through a series of regional workshops, which has proven to be a useful basis for identifying the main regional concerns in protecting civilians and for making the various actors in armed conflicts more aware of the complexities and the interdependence of problems posed by the vulnerability of civilians in armed conflict.

And finally, in order to ensure genuine political will, my delegation agrees with the ten points outlined by Mr. Egeland and we welcome the consultative process he intends to set up for a useful dialogue on these points.

The question of protecting civilians in armed conflict is a concern that the international community must steadfastly and tirelessly pursue. According to the Secretary-General of the United Nations, the success of our efforts depends on our will and determination to make this protection an absolute obligation for all parties involved in conflict.

The President (*spoke in French*): Before I give the floor to the next speaker on my list, I wish to inform the members of the Council and delegations who are inscribed on the list of speakers that I am going to suspend the meeting at 1.10 p.m., and that we will resume our work at 3 p.m.

Mr. Akram (Pakistan): Allow me to begin by expressing my delegation's appreciation to you, Mr. President, for convening this important open debate on the protection of civilians in armed conflict. We hope that our deliberations today will help in creating a better comprehension of the gravity and complexity of the problem and renewed determination on the part of the international community to address these problems.

We are grateful also to the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his comprehensive briefing. We have listened to his review of various conflict situations as well as the prescriptions with great interest.

The two important documents developed by his Office, the road map and the aide-memoire, together present us with a blueprint and a strategy for the protection of civilians in armed conflicts. The challenges that he has highlighted and the ten action points that he has identified in the road map are important. We presume that the Council will pronounce itself in a presidential statement on these issues. Pakistan also looks forward to participating in the consultative process that was mentioned by the Under-Secretary-General.

The Security Council and the United Nations can, we believe, take a number of practical actions to implement the strategy for the protection of civilians in armed conflicts. First, it would be useful to understand and to adjust to the new nature of warfare and conflict in the present-day world. While humanitarian law was devised mostly to regulate the conduct of disciplined

and organized armies, present-day conflicts are mostly asymmetric in nature with strong organized forces confronting non-State actors and guerrilla forces.

The protection of civilians is more difficult in these circumstances. Nevertheless, a greater effort is necessary to secure from the contending forces commitments of adherence to the Geneva Conventions and Protocols and other principles of humanitarian law. The onus is, of course, on the organized forces, but even the non-State parties should be called upon by the international community to respect the norms of the Geneva Conventions and Protocols.

One issue that affects civilians in this context is the treatment of prisoners. Often in irregular warfare, especially in the war on terrorism, there is difficulty in distinguishing between civilians and combatants. Yet, there are minimum standards that must be observed in the treatment of suspected combatants.

Secondly, the rules of engagement in asymmetric conflicts need to be improved. There are well-known rules, for example, regarding the use of civilians as shields, the non-targeting of civilian structures, and caution in the use of force in populated areas, all of which need to be more scrupulously observed. But there may be need to examine the use of asymmetric or massive force against individual targets. There is a need for greater examination of the principle of proportionality in the use of force. There is also the need to examine the use of so-called smart weapons, which, all too often, are not so smart. There is a need for certain standards of certainty with regard to intelligence relating to the use of small weapons, heavy weapons or smart weapons so that tragic accidents can be averted.

We feel there is a greater need to resort to ceasefires and truces, even if these are temporary. In this context, I must mention that Pakistan is happy that the proposal of our Prime Minister for a ceasefire along the Line of Control in Kashmir has been accepted and reciprocated, and the ceasefire continues to hold. This will save hundreds of lives in the coming months.

Thirdly, the international community must deal more effectively with the consequences of conflict. The so-called duty to protect cannot be reduced to merely a duty to intervene militarily in situations of gross violations of human rights. This duty arises well ahead of the need for such physical intervention. The United Nations and the international community can do some practical things to promote such protection.

First, as has been rightly emphasized by Mr. Egeland, we must secure agreement of all parties for access to conflict areas and to civilian victims.

Secondly, war not only causes civilian casualties, it also creates widows and orphans. The international community must respond to this phenomenon in a more targeted manner. We should consider the creation of an international fund or facility to help those whom I would call the widows and the orphans of war.

Thirdly, armed conflicts also create refugees and displaced persons. There are estimated to be over 20 million refugees today. While the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs seek to address their plight, it is also evident to all of us that assistance in most cases for refugees and displaced persons is inadequate. The refugees who appear on global television get most of the help. Others have to mostly fend for themselves. The United Nations should therefore establish some rule or criteria to publicize where the refugees and displaced persons are, how many they are and what their assistance requirements are. The Security Council, for its part, can create binding obligations for States through a resolution or resolutions to provide assistance to all refugees and displaced persons in need. The UNHCR should be required, also, to periodically publish and circulate statistics on refugees and displaced persons for this purpose.

The fourth area I wish to mention is the issue of impunity — the redress of wrongs committed during conflicts against civilians, especially against women, who are so often the victims of rape in such situations, the maltreatment of children and the resort to genocide. It is essential to punish these crimes, both as a deterrent against future violations and to create the basis of political reconciliation and sustainable peace in and among countries and societies that have experienced conflict.

It may well be difficult to establish specific tribunals for each conflict, but the use of the international criminal tribunal, or even of the International Court of Justice, to enable individuals and groups to seek redress should become an international norm. For instance, redress for the massacre of Srebrenica should be a right accorded to the families of

the victims, and no conflict should be a forgotten emergency.

The fifth area I wish to mention is the resort to naming and shaming, which has been upheld as an effective instrument to secure good behaviour, such as in the protection and promotion of human rights. In the context of protecting civilians in armed conflicts, the United Nations and the International Committee of the Red Cross should be authorized to publish a compendium each year of the numbers of civilians affected or estimated to be affected by armed conflicts, the nature of the violations against them and, if possible, those responsible for such violations. This would appear as an appendix to the annually updated aide-memoire prepared by the United Nations Office for the Coordination of Humanitarian Affairs.

A sixth area is the need for a conscious effort to ensure the protection of international humanitarian and United Nations personnel in conflict situations. In this context, Pakistan has strongly condemned the attacks on humanitarian and United Nations personnel in Afghanistan, in Iraq and elsewhere. We believe that the Security Council took a laudable step earlier this year when it adopted resolution 1502 (2003) on the protection of humanitarian and United Nations personnel in conflict zones.

But more is required. We believe that a publicity campaign or campaigns need to be launched in conflict situations to impress upon all parties that the United Nations and international personnel are impartial and their mission is to ease the pain of war and help to promote peace with justice. It is therefore also vital that the United Nations and international agencies must not become identified with any one party to a particular dispute, that their composition in nationality and expertise should be balanced and that they should be perceived to be neutral. At the same time, violence against international personnel, from whatever quarter, needs to be effectively penalized. There should be no exceptions or exemptions in this regard.

Finally, it must be acknowledged that the best protection of civilians in conflicts is to prevent conflicts and to end them if they break out. This is the primary function and responsibility of the Security Council. The Council possesses a panoply of modalities and means for conflict prevention and conflict resolution. We must explore all possible means to achieve this objective. The debate on the use of the Charter's Chapter VI modalities during the Pakistan presidency of the Council last May was most useful. The Council should consider other ways of resolving disputes and responding to conflicts, for example through the creation of composite committees to address complex crises where social and economic factors are predominant. The reform of the United Nations should focus, in our view, on promoting this central goal of saving succeeding generations from the scourge of war.

Mr. Trautwein (Germany): Mr. President, I would like to begin my remarks by thanking you for having convened this open debate and by especially thanking the Under-Secretary-General Egeland for his comprehensive and detailed statement, in particular the outline of the 10 action points that build on the road map. I associate my delegation with the statement that will be delivered by the Italian Ambassador, on behalf of the European Union.

The time of traditional warfare is past. While in World War I, the "Great War", the overwhelming number of victims were soldiers, the situation today is entirely different. Indeed, combatants today are in the minority when we talk about war victims. Civilians bear the brunt when it comes to casualties. They are unprotected and defenceless, exposed to violence entirely beyond their control. Human suffering has become a key issue in wartime, yet it does not receive the attention it deserves.

Clearly, the rules and international treaties aimed at the protection of civilians in war situations, which came into force during the twentieth century, no longer provide sufficient protection in the twenty-first century.

We have to develop new ways of coping with the continuing menace to the well-being of civilian populations during war and combat. Fortunately, the past few years have brought an increased awareness of the problem, beginning with the Secretary-General's report on the situation in Africa in 1998, in which he identified the protection of civilians in armed conflict as a humanitarian imperative. Subsequently, the Security Council has repeatedly dealt with the subject and receives a briefing by the Office for the Coordination of Humanitarian Affairs (OCHA) every six months. Also, the Secretary-General has issued three reports to date on this subject. Thus, public awareness has been increased.

We very much welcome these developments. They are a sign of new thinking. OCHA has become the key player and focal point whenever the concept of effective protection of civilians is raised. Thus, we aim to create a culture of protection, as the Secretary-General has called it. The Security Council, responsible for the establishment and maintenance of international peace and security and for legitimizing power for peace missions, is the main actor when it comes to determining which actions to take to secure civilians in war situations. No mandate for peace missions should be drafted without the protection of civilians in mind. Sanctions need to be imposed with the consequences for civilians in mind.

However, the awareness of the need for protection of civilians must not be confined to New York, Geneva and some capitals. The five regional workshops held to date represent a commendable effort to broaden awareness in the field. Education, it seems to me, is another important factor if we want to gain the widest possible support for a culture of peace. This involves early incorporation into the respective educational curriculums.

Allow me to make a remark on two particularly vulnerable groups: children and women. The phenomenon of child soldiers in crisis regions is increasingly common. To force children to take up arms, rather than to let them develop peacefully and enjoy a proper education, is a crime not only against the individual, but also against the future of a whole society.

Women, similarly, are very vulnerable in wartime and are frequently subjected to cruel and degrading treatment. But we need not think of women only as the weak ones, as victims. They can assume an important role in preventing conflicts and in post-conflict peace-building. We need to stress this role more and we need to recognize its vast potential. The General Assembly's resolution on the prevention of armed conflict has reminded us of this.

Governments need to be motivated to make every effort to protect their civilians sufficiently from combat. If those Governments are unable to do so, they must not impede those who are legitimized to help in accordance with international law — that is, humanitarian organizations. To create safe havens and zones of temporary security is often essential when combat activities force people from their homes. All humanitarian organizations need the necessary access in order to help. Civilian populations must not be taken hostage by warring factions trying to deny that access. Combatants acting in such a manner must realize that they are acting against fundamental principles of humanity. Likewise, acts directed against humanitarian personnel must be considered as being directed not only against individuals, but also against the civilian population in need of that humanitarian aid. In this context, Germany supported the unanimous adoption of Security Council resolution 1502 (2003) on the protection of United Nations humanitarian personnel.

Let me conclude by pointing out that civilians in wartime cannot be protected solely by the efforts of humanitarian organizations, including the United Nations. Combatants who violate the principles of humanitarian law, be it by acts directed against civilians or against humanitarian personnel, need to know that their acts eventually will come under judicial scrutiny from national or regional tribunals or from the International Criminal Court. I therefore call on all Member States to strengthen the tools which already are at hand in this respect.

The President (*spoke in French*): I shall now make a brief statement in my capacity as Permanent Representative of Bulgaria.

As an associate country of the European Union, Bulgaria clearly and fully supports the statement to be made shortly by the Italian presidency of the Union.

My job has been made easier by the fact that there is agreement in the Council on the extremely important and burning topic of the protection of civilians in armed conflict. My job has also been broadly facilitated by the excellent briefing by Mr. Egeland. It was very exhaustive and I have nothing to add to it. I should, however, like to make a few general comments.

Clearly, the United Nations today is playing a central coordinating role in the international community's efforts better to protect civilians in armed conflict. Naturally, this is one of the most important provisions and strengths of our Organization's Charter. Mr. Egeland's briefing highlighted the long list of problems that still face us, some of which are new. Among the most disturbing of these is the problem of security for the personnel of the United Nations and humanitarian organizations in the field. As Ambassador Muñoz pointed out earlier, after the 19

August incident in Baghdad, in particular, the United Nations lost its innocence, as it were. It is now a target of terrorist attacks. I believe that resolution 1502 (2003) was a rather swift and categorical response from the Council to these new and extremely disturbing phenomena, which may make the United Nations job even more difficult.

Secondly, we must note that the continent most affected by the problems under consideration is Africa. I was very shocked by the information provided by Mr. Egeland about the situation in northern Uganda, in particular. In the past, the Council has not generally discussed Uganda from that particular perspective, and it is a sad reality. I should like to thank Mr. Egeland for having also referred in his briefing to Somalia, a country beset by serious problems and where civilians have suffered for over a decade, given that there is essentially no real State there and the country is in the hand of warlords.

Thirdly, I should like to thank Mr. Egeland and his colleagues for having provided the Council with the updated aide-memoire. The delegation of Bulgaria is currently coordinating the work on a presidential statement that will make it possible for the Council to endorse that important document. I hope that that work will be concluded very soon.

It is also important to ensure consistency and synergy between the revised aide-memoire and the action plan recommendations now being updated. That is a very important instrument that will structure the efforts of both the United Nations and the entire humanitarian community. We must ensure that all the details are fleshed out and coordinated.

I would like to conclude on that point.

I would once again like to thank Mr. Egeland and his associates, as well as all Council members, for their very active and substantial participation in this important debate. It is often said that we discuss the problems associated with the protection of civilians too much. But the contrary is in fact true: we neither talk or act enough in that regard. It is important for the Council to put all its political weight behind this effort by the Secretariat. I think today's discussion provides eloquent proof of that point.

I now resume my function as President of the Security Council.

I shall now call on the non-members on my list. In order to maximize the time available to us, I shall not call on speakers individually to come to the table or to resume their seats at the side of the Council Chamber. Once a speaker takes the floor, conference officers will indicate to the following speaker the seat he or she should take at the Council table.

I now give the floor to the representative of Italy.

Mr. Mantovani (Italy): I have the honour to speak on behalf of the European Union. The acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; the candidate countries of Bulgaria, Romania and Turkey; the countries of the Stabilization and Association Process and potential candidates of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the European Free Trade Association country member of the European Economic Area, Iceland, declare that they align themselves with this statement.

Allow me to start by congratulating you, Mr. President, on your assumption of the presidency of the Security Council for the month of December. I thank you for giving us an opportunity to debate this important issue. I also wish to thank Under-Secretary-General Jan Egeland for his excellent and very comprehensive intervention and for the work done by his Office.

The European Union deeply appreciates, and fully shares, the commitment shown by the Security Council to, and the establishment of a regular dialogue on, the protection of civilians agenda. Indeed, the impact of armed conflict on civilians remains a dramatic problem in many parts of the world, and especially in some African countries. In addition to the immediate human suffering it causes, it also has long-term consequences for lasting peace, security and development.

We must continue to raise awareness of the tragic repercussions of conflicts on civilian populations, and contribute to the promotion of a widespread culture of protection, as the Secretary-General properly defined it in his report of March 2001. Actually, civilians have become the main victims of violent conflicts. They are increasingly exposed to all sorts of abuse, exploitation and violations of human rights. They constitute the primary target of attacks motivated by ethnic and

religious hatred, political confrontation and the ruthless pursuit of economic interests.

The European Union supports the United Nations increasing focus on the conditions of civilians affected by armed conflict, and commends the approach adopted in recent years by the Security Council, the Secretary-General and other relevant offices and agencies of the United Nations. We remain convinced that issues related to the protection of civilians must remain at the top of our agenda. The European Union therefore welcomes the proposed revised aide-memoire to be endorsed by the Security Council and the updated road map. We welcome the inclusion of such new elements as those relating to the prevention and remedying of sexual exploitation and abuse and trafficking in women and children, as well as the strengthened emphasis on internally displaced persons.

The European Union fully subscribes to the key issues identified by the United Nations, as they invariably arise in situations of armed conflict, and is committed to supporting the efforts of the United Nations to address them. Those issues include the lack of, or restricted access to, vulnerable and affected populations, which remains the primary concern in most conflict areas around the world; the widespread recourse to rape and other atrocities against women and children, which are increasingly used as a brutally devastating weapon of war; the need to separate civilians and combatants so as to ensure that safe-havens provided to civilian populations are not exploited as recruiting grounds for armed groups; the general breakdown in security, law and order, which exacerbates the suffering of vulnerable populations; the implementation of programmes for the disarmament, demobilization, reintegration and rehabilitation of combatants, which is also fundamental to the re-establishment of a peaceful and secure environment; the protection of civilian populations from the risks of mines and explosive remnants of war; the security of humanitarian personnel, which remains a key challenge for the United Nations and all international aid workers; and the provision of appropriate training for humanitarian workers and peacekeepers to assure that the culture of protection is deeply engrained in them.

In order to address those issues the European Union calls upon all States and parties to armed conflict to respect, and ensure compliance with, international humanitarian law, as well as to respect the neutrality, independence and impartiality of humanitarian operations. The European Union is concerned about the increased risks that United Nations and associated civilian personnel are facing on the ground, and reiterates the great importance it attaches to the Convention on the Safety of United Nations and Associated Personnel and to the expansion of the scope of the legal protection under the Convention.

Furthermore, perpetrators of international humanitarian and human rights law must be brought to justice at the national level or, where not possible, to international justice. The primary responsibility to carry that out lies with each State. The European Union therefore urges all States to ratify and implement all relevant international agreements.

The European Union, while developing its cooperation with the United Nations and increasing its own capability in crisis management, is firmly committed to ensuring that the protection, rights and assistance needs of civilians are fully addressed in all European Union-led crisis management operations, in full compliance with international law and Security Council resolutions. Accordingly, the European Union is in the process of finalizing overarching guidelines to assist in ensuring that its policy in this area is fully consistent and coherent. Those guidelines are fully in line with the aide-memoire adopted by the Security Council on 15 March 2002. They are intended to develop a comprehensive and action-oriented approach to the protection of civilians in the conduct of European Union-led crisis management operations. They call for the European Union, in coordination with the United Nations and other relevant international organizations, to respect, and ensure respect for, international law and other relevant norms relating to the protection of civilians. Special attention is devoted to the need to protect internally displaced persons and refugees and to maintain the humanitarian and civilian character of camps provided for them. All possible measures will be taken to ensure that women play a key role in refugee camp planning, management and decision-making so that gender issues are taken into account in all aspects, especially resource distribution, security and protection.

Where an EU-led operation is deployed, all possible measures will also be taken to protect the rights of those persons who — on grounds of race, colour, sex, sexual orientation, religion or faith, descent or national or social origin — suffer from discrimination. Special consideration will be given to

the rights of children, to ensure that they do not take a direct part in hostilities and are not recruited or used by armed groups, and that combatants, in particular child soldiers and girls following armed groups, are disarmed, demobilized, rehabilitated and reintegrated.

Where necessary, child protection expertise will be integrated into the chain of command of EU-led crisis management operations. The EU will also continue to cooperate with the United Nations and other international organizations to ensure family reunification of displaced children and close monitoring of and report on the protection of children in armed conflict.

The need to protect women and children from sexual exploitation, abuse and trafficking requires the development of standards or codes of conduct for national armed forces or police forces and all other personnel deployed in European Union-led crisis management operations. Such standards will reflect, as a minimum, the provisions of the United Nations "Ten Rules: Code of Personal Conduct for Blue Helmets", as well as the six core principles established by the Inter-Agency Standing Committee.

Within the available means and capabilities of any given mission, the measures envisaged by the European Union could include the systematic incorporation of gender analysis into early-warning activities, fact-finding missions, planning and implementing processes for post-conflict reconstruction and institution-building, field operations and standard operating procedures.

States contributing personnel deployed in EU-led crisis management operations should in particular ensure monitoring and reporting of alleged violations of human rights and of international humanitarian or international criminal law. Investigation of each complaint and prosecution of those responsible should be ensured. Suitable training in these areas should be provided to personnel deployed on the ground, both at a national level and through European programmes, where appropriate, in cooperation with the United Nations and other relevant international bodies.

The protection of civilians in armed conflict is one of the main issues on our agenda, given its repercussions on international peace and security and respect for human rights and international humanitarian law. It also provides a major opportunity to enhance cooperation between the United Nations and the European Union. We remain firmly committed to this objective and fully subscribe to what the Secretary-General has emphasized on several occasions: as human beings, we cannot be neutral, or at least have no right to be, when other human beings are suffering. In this spirit, the European Union looks forward to continue discussing all relevant aspects of protection of civilians in armed conflict in the light of the next report by the Secretary-General on the matter.

The President (*spoke in French*): I now call on the representative of Ukraine.

Mr. Kuchinsky (Ukraine): First of all, let me express our condolences to the Russian delegation with regard to the hideous terrorist act that took place today in the centre of Moscow. Ukraine has always strongly condemned terrorism in all its forms and manifestations.

I would like to join my colleagues in warmly congratulating you, Sir, on your assumption of the presidency of the Council for this month. I wish also to extend our gratitude to your predecessor, His Excellency Mr. Gaspar Martins, and his team for their excellent performance last month.

Ukraine highly commends the initiative of Bulgaria to hold this important debate on how to improve the protection of war-affected civilians. I would like to thank Mr. Jan Egeland for his first and very comprehensive briefing to the Security Council as Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

The urgency and importance of today's debate are underlined by the persistent violent and volatile environments in which civilians find themselves, in particular, as was outlined in Mr. Egeland's presentation, in the Democratic Republic of the Congo, Iraq, Afghanistan, the Middle East and in West Africa and Central Africa.

Over the past several years, we have witnessed certain progress in the consideration of the issue of the protection of civilians in armed conflicts. Nevertheless, there is still a lack of political will and of willingness of parties to conflict to implement all relevant international instruments.

The aide-memoire adopted by the Security Council has become a practical tool that provides a basis for improved analysis and diagnosis of key civilian protection issues that arise out of conflict. Therefore, we cannot but welcome the new improved

aide-memoire presented today. We hope that it will further facilitate full realization of the United Nations potential in the protection of civilians around the world.

We also note with satisfaction the updated road map presented today by Mr. Egeland.

I would like to touch upon some, in our view, crucially important issues on the protection of civilians.

First is humanitarian access to vulnerable populations. Humanitarian assistance does much to improve the protection of civilian populations and prospects for a successful transition to reconciliation. We consider that the cooperation between the Security Council and the Economic and Social Council on those issues should be further strengthened. We believe that the Economic and Social Council has an important role to play in areas that lay at the heart of peace-building. Its enhanced cooperation with the Bretton Woods institutions, as well as its capacity to engage other stakeholders, such as non-governmental organizations and the private sector, provides great potential for mobilizing key players.

We also believe that the humanitarian dimension of conflict requires coordinated action between the Council, the General Assembly, the Economic and Social Council, the Secretariat, relevant United Nations bodies, regional and subregional organizations and international financial institutions, as well as Member States.

Individuals should be protected from crimes against humanity, which occur most often in times of armed conflict. This year the International Criminal Court (ICC) became in reality a major building block of the system of international security aimed at effectively preventing and punishing various violations of humanitarian law such as genocide, crimes against humanity, war crimes and the crime of aggression. We must give a fair chance to the ICC to reach its potential in countering impunity of persons responsible for committing such crimes.

Situations of armed conflict are invariably accompanied by a general breakdown in security and law and order. The quick restoration of those spheres is the foremost concern in most conflict situations. In this regard, we commend the fruitful discussion at the high-level meeting of the Security Council last September on justice and the rule of law, and we hope that such meetings will become regular in the future. I would like to reiterate that, in such situations of transition, it is crucial that law and order, including the functioning of police, courts and prisons, be re-established quickly, as a measure of utmost priority.

The fourth issue of importance to my delegation is safeguarding the security of humanitarian personnel. It remains a key challenge for the United Nations and its humanitarian partners. Recent months have witnessed ongoing threats and horrific attacks against humanitarian personnel. Humanitarian workers became deliberate targets for political or tactical purposes, thus marking a disturbing trend of blatant disregard for humanitarian principles. Those unlawful acts ultimately aggravate the suffering of the civilian population. Therefore, we welcome the adoption by the Council of resolution 1502 (2003), which represents its initial response to this problem, providing elements for an effective protection mechanism.

Finally, I would like to raise another issue: the issue of the protection of journalists, who, along with the civilian population and humanitarian and United Nations personnel, become targets in armed conflicts. Being on the front line of conflict, they report independently on the developments on the ground, often making the ultimate sacrifice so that the world can be fully informed on the realities of the situation. However, despite the fact that journalists should be protected under the Additional Protocols to the 1949 Geneva Convention, they continue to be exposed to attacks, killings, torture and kidnapping. An estimated half thousand journalists have been killed worldwide during the last decade alone. In many cases, they were victims of deliberate attacks by parties to conflict. I believe that the issue of protection of journalists is our common concern and should therefore be reflected in the road map.

The President (*spoke in French*): We still have a number of speakers on the list for this meeting. With the consent of the Council members I would like to suspend the meeting until 3 p.m.

The meeting was suspended at 1.20 p.m.